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Attorneys for Defendants
Netflix, Inc., and Netflix Worldwide
Entertainment, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FIONA HARVEY,

Plaintiff,

v.

NETFLIX, INC., and NETFLIX
WORLDWIDE ENTERTAINMENT,
LLC,

Defendants.

Case No. 2:24-cv-04744-RGK-AJR

**DECLARATION OF NETFLIX, INC.
IN SUPPORT OF DEFENDANTS'
SPECIAL MOTION TO STRIKE**

Date: September 3, 2024
Time: 9:00 a.m.
Place: Courtroom 850

Hon. R. Gary Klausner

DECLARATION OF NETFLIX, INC.

I, Anne Mensah declare as follows:

1. I am Vice President of Content at Netflix Studios UK Limited and oversee Content Acquisition in the United Kingdom. I joined the company in 2019. I have personal knowledge of the facts set forth below and, if called as a witness, could and would testify competently thereto. I submit this declaration in support of defendants Netflix, Inc., and Netflix Worldwide Entertainment, LLC's (together, "Netflix's") special motion to strike.

2. In March 2020, Netflix acquired the rights to Richard Gadd's stage play *Baby Reindeer*, including the streaming rights to start production of the *Baby Reindeer* television series (the "Series").

3. Netflix released the Series on April 11, 2024, and marketed and distributed the Series as an "offbeat, psychological" drama/comedy that follows fictionalized character Donny Dunn, an aspiring comedian who grapples with his sexual identity and past sexual abuse.

4. The Series has been widely acclaimed for its writing, directing, and acting, and has received numerous awards nominations and wins, including the Television Critics Association Awards, Gotham TV Awards, Hollywood Creative Alliance Astra TV Awards, and most recently, the Series received 11 Emmy nominations.

1 5. Netflix is immensely proud of *Baby Reindeer*. It is an original series
2 created by an incredible talent—Richard Gadd—and our members absolutely love
3 it.
4

5 6. *Baby Reindeer* is based on real-life events in Richard Gadd's life.
6 Richard has every right to tell his story of the horrendous ordeal he suffered at the
7 hands of a serial stalker, and Netflix stands behind its decision to tell that story
8 with Richard. There has been a tremendous amount of discussion about the Series,
9 but the focus should be on the fact that Richard was the victim of sexual abuse, he
10 was stalked, and this is his story. That's the essence of it, something I hope is not
11 lost in all the debate.
12
13

14 7. Netflix understood that the Series was a fictionalised work based on
15 Richard Gadd's real life experiences, which Richard used as inspiration for the
16 *Baby Reindeer* play and the Series. Netflix has always understood that *Baby*
17 *Reindeer* the play and Series contained purposefully created, fictionalised
18 characters and invented fictionalised dialogue, albeit inspired by Richard's real life
19 trauma.
20
21


22 8. To make clear that the Series was fictionalised, Netflix included a
23 disclaimer at the end of each episode that states: "This program is based on real
24 events: however, certain characters, names, incidents, locations, and dialogue have
25 been fictionalized for dramatic purposes."
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9. The Series includes no characters named after real persons, and stars hired actors. Netflix would have never released the Series had it believed the Series would be understood as stating actual facts about anyone, including Fiona Harvey (“Harvey”). At no point in time did Netflix intend for viewers to understand the Series to state any actual facts about Harvey.

10. Netflix never mentioned or named Harvey in any marketing or promotion of the Series. Harvey is never mentioned or named in the Series. Further, Netflix never publicly named or mentioned Harvey in any way preceding this lawsuit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 26, 2024 at London, United Kingdom.


Anne Mensah